

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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	:	Chapter 9
In re	:	
	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	
	:	Hon. Steven W. Rhodes
Debtor	:	
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**DEBTOR’S REPLY TO RESPONSE TO OBJECTION TO CLAIM NUMBER 458
FILED BY ALBERT O’ROURKE**

The Debtor, the City of Detroit (the “City”), by and through its undersigned counsel, for its reply (the “Reply”) Albert O’Rourke’s response (the “Response”) to the City’s objection (the “Objection”) to claim number 458 (the “Claim”), respectfully states as follows:

INTRODUCTION

Mr. O’Rourke filed the Claim asserting that the City owes him one trillion dollars (\$1,000,000,000,000) because it had lost or destroyed certain research materials related to nuclear weapons. Mr. O’Rourke did not provide any proof of his ownership of the materials, or evidence supporting his trillion dollar claim against the City in the Claim. The Response states that the one trillion dollar amount is the amount that it would cost to build the various nuclear weapons and devices Mr. O’Rourke claims could be built with the materials. While the Response does not explain how Mr. O’Rourke came to the conclusion that it would cost one trillion to construct a nuclear weapon, it is irrelevant because he does not explain why the City owes any assuming relating to the construction of a nuclear weapon. Furthermore, Mr. O’Rourke states in the Response that the materials may still be located in Detroit. If that is the

case, the City has no liability for lost or destroyed materials. Finally, though Mr. O'Rourke states that his ownership of the materials at issue is "undisputed by City of Detroit", this is false for several fundamental reasons. Based on the information in the Claim and the Response, the City cannot even determine what the materials are, whether they exist, where they are located, and if they exist, who owns them. Mr. O'Rourke has not provided any support for the Claim and therefore it should be disallowed and expunged.

BACKGROUND

1. On February 21, 2014, Mr. O'Rourke filed the Claim, asserting that the City owed him one trillion dollars (\$1,000,000,000,000) because the City had lost or destroyed certain nuclear research materials located at a home in Detroit.

2. On May 15, 2014, the City filed the Objection, asserting that the Claim, as filed, did not meet the requirements of Fed. R. Bankr. P. 3001 [Dkt. No. 4872]. Among other things, the City argued that Mr. O'Rourke provided no evidence to support his ownership of the alleged nuclear materials which he claims were lost or stolen, and that the provided no evidence to support the Claim's trillion dollar value.

3. On or about June 3, 2014, Mr. O'Rourke filed the Response. In the Response, he explains that the one trillion dollar value of the Claim is the amount it would cost to build a nuclear weapon using the materials at issue. Response, p. 3. The Response does not explain why Mr. O'Rourke is entitled to that amount of money from the City.

4. The Response also states that the materials may still be located in a Detroit home (the "Home") and/or at the University of Michigan.

5. The Response does not establish Mr. O'Rourke's ownership of the materials.

ARGUMENT

6. The Claim should be disallowed and expunged because it is frivolous and its

filing constitutes an abuse of the bankruptcy process. Mr. O'Rourke provides no evidence to support his assertion that the City owes him one trillion dollars based on the possible loss or destruction of certain nuclear research materials.

7. First, in the Response, Mr. O'Rourke states that the nuclear research materials, whatever they may be, may still be located in the Home. Response, p. 2. He also states they may be located the University of Michigan. *Id.* If that is the case, then the City neither lost nor destroyed the materials.

8. Second, even if the materials are no longer located where Mr. O'Rourke believes they may be, the City still is not liable to him for one trillion dollars. Mr. O'Rourke has not demonstrated that they exist or that he owns the materials. His assertion that the City does not contest his ownership is incorrect. Response, p. 1. The City has no information about the existence of the materials, let alone any information about their ownership. Mr. O'Rourke has not provided that information with Claim or the Response.

9. Finally, Mr. O'Rourke explains in the Response that the trillion dollar valuation of the Claim is based on the cost of building a nuclear weapon using the materials at issue. He does not support that value with any evidence. More importantly, even if that number is correct, Mr. O'Rourke has not provided any evidence as to why the City is liable to him personally for one trillion dollars for the cost of constructing a nuclear weapon.

10. As more fully explained in the Objection, the Claim does not meet the requirements of Fed. R. Bankr. P. 3001, and should be disallowed. Mr. O'Rourke has not established any basis upon which the City is liable to him, let alone liable to him for one trillion dollars.

WHEREFORE, the City respectfully requests that this Court enter an order disallowing and expunging the Claim, and granting the City such other and further relief as this Court may deem just and proper.

Dated: June 20, 2014

FOLEY & LARDNER LLP

By: /s/ Tamar N. Dolcourt
John A. Simon (P61866)
Tamar N. Dolcourt (P73425)
500 Woodward Ave., Ste. 2700
Detroit, MI 48226
313.234.7100
jsimon@foley.com
tdolcourt@foley.com
*Counsel for the Debtor, City of Detroit,
Michigan*

